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THE INDIAN POLICY OF SPAIN IN THE SOUTHWEST 1783-1795¹

The Talapoosa Indians once said of the Baron de Carondelet, governor-general of his Spanish majesty's provinces of Louisiana and West Florida: "We are surprised beyond measure that our father in New Orleans tells us that we should make peace with the Americans, and at the same time that we should make war upon them." This expression, literally true of Carondelet, might be applied with some modification to Spanish Indian policy in general. Spain and her colonial staff never quite found out which would be less disastrous to the Spanish cause, holding the Indians off, or setting them against the advance guard of American population. In the interests of maintaining good relations between the United States and Spain, the policy was, in general, to foster a peaceful spirit among the Indians; but this was not to be done at the sacrifice of Spanish ascendancy in the tribe or of trade monopoly, nor at the risk of any advance of American settlement which would extinguish territorial claims of the Indians who formed the Spanish bulwark. To keep in view the delicate line of distinction between politic and impolitic interference in the Indian relations with the United States, was a task almost too difficult for the colonial soldier-statesman, who had to make application in a thousand ways of the general principles laid down by the court; it is little wonder his efforts sometimes resulted in the situation observed by the astonished Talapoosa.

By her conquest, during the American revolution, of West Florida and English posts to the northward, and by her resulting territorial claims south of the Ohio, Spain had fallen heir to the greater part of the Choctaw, Chickasaw, and Creeks. The heritage was not, in the existing circumstances, a wholly unwelcome one. The western growth of the United States presented

¹ This paper was read before the Mississippi valley historical association in Nashville, Tennessee, April 27, 1916.

at this time the greatest problem of Spain's colonial system. Her provincial governors were expected by the home authorities to avert the impending danger by holding the American frontiersmen in check, without openly employing measures that would prove offensive to the United States. During the twelve, or rather fifteen years that the governments of the United States and Spain were intermittently and, for the greater part of the time, fruitlessly vociferating at each other through diplomatic channels over the adjustment of the West Florida boundary, the dangers at hand for the Spaniards in the southwest had to be met with whatever practical means presented themselves. The most obvious and natural means were the Indians, who, like the Spaniards, were jealous of every new American clearing in advance of the rest, and who were ready, as the Spaniards were not, by fire, flintlock, and tomahawk to re-convert that clearing into hunting-ground.

The definitive treaty of peace of 1783 had not yet been signed when the Spanish authorities began to take cognizance of the relations between the Americans and Creeks in Georgia. The former were demanding a cession of lands along the Oconee river, and the Creeks, in the spring of 1783, laid the propositions of the Georgians before the Spanish governor at Pensacola.² What was the nature of the advice that official gave the Indians, if he gave them any on this occasion, does not appear; but when, on the first of the following January, Alexander McGillivray wrote to the governors at New Orleans and Pensacola, ably arguing for Spanish protection of the Creeks against the encroachments of the hated Americans,³ he found them quite ready to seize this opportunity of gaining a hold upon the Talapoosa and their gifted chief.

Five months after the writing of this letter, on May 31 and June 1, 1784, the *entente* thus formed was cemented by a treaty at Pensacola. This occasion was taken to draw into close alliance with Spain also the Choctaw and Chickasaw, with whom Governor Miró held conferences somewhat later in the summer. By the treaties formed at this time, each tribe bound itself to

² O'Neill to Bernardo de Galvez, June 10, 1783. Mississippi provincial archives, Spanish dominion (transcript of documents from the Spanish archives, in the department of archives and history, Jackson, Mississippi), 2: 19, 20.

³ To Miró. *Ibid.*, 2: 74 ff.; to O'Neill. *Ibid.*, 2: 58 ff.

keep the peace with the neighboring tribes; to exclude from its villages traders who were not licensed by the Spanish government; and in addition the Creeks and Choctaw promised to obey the king and to hold themselves ready to expose their lives in the royal service. In return for these promises, they were assured a permanent supply of goods of trade at moderate prices, and the Creeks, who were suffering from the encroachments of the Georgia settlers upon their hunting lands, were promised protection and guarantee of their possessions, "provided," so ran the article, "that these are comprehended within the line and boundaries of H.C.M., our sovereign."⁴

Taking into consideration the fact that the Choctaw and Chickasaw occupied lands which were in the main still claimed by Spain, and that the guaranty extended to the Creek lands was limited to the king's dominion, it cannot be said that the treaties of 1784 (except in the provision excluding from all the Creek villages traders not licensed by Spain) showed direct violation of rights of the United States. The baneful results of American trade seem to have loomed larger on this occasion than the consequences of American encroachments, and the former alone were taken to justify the assumption of rights of supervision over Indian affairs outside the provinces. But as soon as the need arose for checking a dangerous advance of the Georgia population, the proviso in regard to the guaranty was promptly forgotten or ignored, and in all the later relations between the Spaniards and the Creeks, the fact that the latter had placed themselves under the protection of Spain was taken by that country as a justification for aiding them in ejecting the Americans who introduced themselves into any of the Creek lands.⁵

A little more than a year had passed after the Pensacola meeting, when, on July 10, 1785, a carefully worded protest from the pen of McGillivray against the granting away of their lands by England to the United States was sent by the Creeks, Chickasaw, and Cherokee to the Spanish authorities, with a plea that the protection promised in the treaty of 1784—which in fact concerned only the Creeks—be put in practice, in order to prevent the absorption of the Indian hunting lands into the Ameri-

⁴ Mississippi provincial archives, Spanish dominion, 2: 181.

⁵ Miró to O'Neill, April 20, 1786. *Ibid.*, 2: 705.

can settlements.⁶ Spain ultimately responded to this plea by furnishing supplies of powder and ball to the Creeks.

For the aid thus given, Spain's justification lay in the greatness of what she had at stake. There could be no doubt in the minds of white men that the Oconee lands demanded by the Georgians were a part of the United States, for by the policy of the civilized nations, not an inch of ground was left in the political possession of the Indians, and Spain had not raised a question about the northern boundary of East Florida. Beyond the imperative claim of expediency, therefore, the Spanish government had no ground for its subsequent policy in that region.

This fact was not, indeed, wholly ignored by provincial authorities. Governor Miró wrote to the viceroy, Bernardo de Galvez, in April of 1786,⁷ asking how far he should carry his promises of aid and protection to the Creeks, since only a part of that nation lived within Spanish territorial limits, although the other part also was asking aid against the usurpation of the Americans. While awaiting the reply of Galvez, Miró followed a cautious pathway into the difficulties of the Georgia situation. "Tell McGillivray," he wrote to Arthur O'Neill, the governor of Pensacola, "that it will not be inconvenient to us that they become reconciled with the Americans, regulating with them the Oconee limits . . . since that does not preclude their remaining under the protection of our sovereign."⁸ The rivalry of the American trader seemed to Miró to be the preponderant evil, and only in case the Indians showed intentions of coming to a commercial agreement with the Georgians were they to be encouraged with gifts of ammunition to give up such intentions and to place themselves on the defensive against the American invaders. It remained for Carondelet, whose zeal for harrying the Americans out of the land often blinded him to prudence and in fact, to speak of the Oconee region as being within the dominions of the king.⁹

The reply of Galvez to Miró's inquiry, on May 20, represented the policy of the court in regard to Indian relations, and left

⁶ *Ibid.*, 2: 385-390.

⁷ *Ibid.*, 2: 701, 702.

⁸ May 4, 1787. *Ibid.*, 3: 77.

⁹ Carondelet to Las Casas, September 17, 1794. *Ibid.*, 5: 447.

much responsibility on the shoulders of the governor-general. It was in substance: we cannot openly become guarantors of the lands of the Indians outside our own limits, and we may give them aid in resisting invasion only to the extent that will not compromise us with the United States; that is, we may supply arms and ammunition, delivered always with the utmost caution and secrecy.¹⁰

In this last clause is revealed the element of Spain's policy by which she hoped to execute her plans for checking the westward growth of the United States without impairing her friendly relations with that power. In the furnishing of military supplies to the Indians, secrecy was the watchword from the king down;¹¹ it was reëchoed through the instructions that passed from each official to his subordinate.

The provincial governors were scrupulous in carrying out their instructions in this matter. Pains were taken that no incriminating document should fall into the hands of the United States. This required especial care in the wording of the communications on the subject that passed from the provinces to the Spanish minister in the United States, and in the manner and means of their conveyance. It was also necessary to avoid sending to the Indian communities any writing that might bear witness to the fact that aid was being given. Written directions were sent from the governor-general to his subordinates in Pensacola; but from Pensacola to McGillivray and the tribe word was passed orally that the Indians would be furnished with means of defending their territories from settlement by the Americans. In order that the Creeks might have a better understanding of what they were to expect, McGillivray was induced to visit New Orleans, and was assured by the governor-general himself, by word of mouth, that the Indians' continuous demands for help would be complied with. In order to minimize the dangers of discovery involved in the conveyance of

¹⁰ Mississippi provincial archives, Spanish dominion, 2: 731, 732.

¹¹ In regard to McGillivray's demands for aid, Miró "preve será necesaria la mayor precaucion y maña para contenerle ciñendose á la sumministracion de polvora, balas y efectos de treta con la cautela posible para no dar á los Americanos justos motivos de queja." Gardoqui despatches (transcripts in the Durret collection of the University of Chicago), 3: 235. See also the royal order of February 25, 1789. *Ibid.*, 5: 315, 316.

military supplies to the tribe, Miró instructed O'Neill, in case the latter could devise no better plan, to hand the munitions over to the trading house of William Panton, for distribution to the Indians in small quantities, as if in the ordinary course of trade.¹² This plan was carried out, with whatever other devices for secrecy the circumstances permitted. O'Neill carried out the dissimulation required of him so carefully that, in a report to Bernardo de Galvez, of May 30, 1786, describing how all the Creeks who had visited Pensacola had gone back animated to defend their lands to the last extremity, O'Neill said he had given the chief Perro Rabioso powder and ball, "in order that he and his warriors may defend themselves against bears and other ferocious animals,"¹³ an implication the humor of which was probably intentional, considering the origin of its author.

But what it was the policy of Spain to conceal, it was the policy of the Indians to make known, and it was soon an established belief among Americans resorting to the tribe, that the latter were receiving material aid from Spanish sources. Daniel McMurphy, an emissary from Georgia, wrote to O'Neill that the Indians had declared such to be the case, although he preferred not to give credit to their declaration.¹⁴ O'Neill, replying through a subordinate to McMurphy's letter, gave no notice to this veiled accusation. Miró, however, in a reply which he prepared to the same letter, met the American's statement with an implied denial, asserting that he had been instructed by his court to maintain the friendship of the Indian tribes; that he would fail in this if he refused them the right to purchase from the traders guns and other necessities for the hunt, upon which their living depended; and that they would unquestionably find means of securing these supplies in spite of any prohibition he might lay upon the trade.¹⁵

Miró seems from the first to have realized the probable consequences of encouraging the Creeks to fight. If they became involved in a war with the United States, one of two unhappy situations would in all likelihood result: either the Creek nation

¹² Miró to O'Neill, June 20, 1786. Mississippi provincial archives, Spanish dominion, 2: 710.

¹³ *Ibid.*, 2: 566.

¹⁴ July 11, 1786. *Ibid.*, 2: 769, 770.

¹⁵ 1786, month and day not given. *Ibid.*, 2: 781 ff.

would be utterly destroyed, by which the barrier of Louisiana in that quarter would be lost; or Spain must openly enter the war for the preservation of her Indians wards,¹⁶ a step she was in no way prepared to take. Miró, therefore, when McGillivray visited him in 1786, tried to dissuade that chief from war; and, during the years of 1788 and 1789, while the commissioners of the United States were trying to win the Creeks to some agreement with them, the policy of Miró, under the instruction of his immediate superior Espeleta,¹⁷ the captain-general, and with the approval of the crown,¹⁸ was to encourage McGillivray to come to peaceful terms with the Americans.¹⁹ The terms intended by the Spanish governor included only those of peace and the regulation of the boundaries, war being preferable to any relinquishment of rights of trade or of influence in the tribe.²⁰ So strong, however, was Miró's desire to keep the Indians at peace with the United States, that he even seems to have interpreted broadly, in favor of this policy, the royal order of July 31, 1787, which declared that the Indians must be sustained in case their lands were invaded;²¹ and, for a time, while the Americans and Indians were not in open warfare, he undertook to withhold supplies of arms and ammunition except for hunting purposes.²² Of this restriction of supplies McGillivray bitterly complained, and hinted at other recourse in case the Spaniards failed his people. This suggestion of a resort by the Indians to the English, together with a fresh outbreak of hostilities in Georgia (due, as the Spanish officials believed, to American attacks upon the Creeks), were given by Espeleta, in a communication to the court of November 20, 1788, as the reasons for the resumption in that year of the policy of giving military supplies to the Indians.²³

¹⁶ Miró to B. de Galvez, June 28, 1786. Mississippi provincial archives, Spanish dominion, 2: 707.

¹⁷ Espeleta to the court, March 5, 1790. Gardoqui despatches, 5: 331.

¹⁸ Royal order of February 25, 1789, approving Espeleta's policy of conciliation. *Ibid.*, 5: 315, 316.

¹⁹ Miró to McGillivray, July 8, 1788. Mississippi provincial archives, Spanish dominion, 3: 313.

²⁰ *Ibid.* See also Espeleta to the court, March 5, 1790. Gardoqui despatches, 5: 331.

²¹ *Ibid.*, 5: 240, 241.

²² Espeleta to the court, November 20, 1788. Mississippi provincial archives, Spanish dominion, 5: 302.

²³ *Ibid.*

Miró's reluctance to encourage Indian warfare against the United States was considerably modified, however, by the new danger arising from the Georgia sales of western lands in 1789. These sales threatened an irruption of American population into territories to which the Spanish government made more or less definite pretensions, and Miró lost no time in testing the mood of the Indians whose lands were included in the transactions. He concluded that the warriors of McGillivray would attack any American settlement that might be made on the Tennessee, even though the Spanish governor did not set them on; while the Alibamu and the Choctaw only awaited his own word to destroy every American attempting to pass through their respective nations.²⁴

It should not be concluded that Miró, in carrying out his policy towards the Americans, was a man of hard heart or relentless temper. Whether due to his own initiative, or to his faithfulness in following his instructions, exhortations to humanity appear more frequently during his administration than during that of his successor. The treaties of 1784 with the Creeks and Choctaw, made under his direction, contained articles prohibiting the raising of scalps and insisting on the humane treatment of white prisoners taken by the Indians in war. Although we never hear of an attempt later to enforce these beneficent provisions, yet on various occasions we find Miró charging the Indians to do no personal injury to Americans coming into their villages.²⁵

Before the close of Miró's administration, there were evidences of the ultimate futility of Spanish policy in regard to the Indians. In 1789, the Creeks, in their furor against the Americans, turned the weapons furnished them by Spain against the latter's own American-born subjects in the Tombigbee valley. "What a hard thing it would be," the governor-general wrote to McGillivray, upon first hearing the rumors of these activities, "if with our own powder and balls, for they have no other, they should come to shed our blood."²⁶ Little more than a year later, on August 7, 1790, McGillivray signed at New York a treaty placing the Creeks under the protection of the United

²⁴ Miró to Valdés, August 10, 1790. *Ibid.*, 3: 471.

²⁵ Miró to Espeleta, April 1, 1788. *Ibid.*, 3: 241.

²⁶ May 11, 1789. *Ibid.*, 3: 370.

States and "of no other sovereign whatsoever." A misfortune of the same nature took place on July 2, 1791, when the Cherokee signed a treaty with the United States.

In December, 1791, the Baron de Carondelet succeeded Miró as governor-general of Louisiana and West Florida, and took up the problem of frustrating the designs of the Georgia frontiersmen and of the western land companies. It was his avowed policy to use the Indians for this purpose. The only way to save the province, he reiterated with desperate earnestness, was to employ the Indians effectively in holding back the American frontier.²⁷ If he could have had his way unhampered, he probably would not have stopped at halfway measures, nor resorted to secrecy and subterfuge. That war between the United States and Spain might be the outcome of his policy, he admitted without reserve,²⁸ and made his preparations for such a contingency. In fact, he regarded the United States as already an inveterate enemy, plotting continuously for the overthrow of Spanish power in America; and this delusion gave him the assurance that his own operations were directed against a hostile, not a friendly power.

Such was the state of mind of Carondelet when on March 30, 1792, having learned that the agents of the United States were about to meet a deputation of Creeks for the purpose of running the boundary line of the treaty of 1790, he sent an agent to the Creek nation to stop by any possible means the execution of that treaty.²⁹ Although the only method available for accomplishing this object was liable to lead him beyond the royal intentions, he took upon himself the responsibility for immediate and drastic action, since it was no longer "in his hand" to temporize, and since he could not await instructions upon the situation from his superiors without endangering the cause of Spain.³⁰ In a letter to O'Neill he summed up the immediate and calamitous consequences of permitting such a treaty to be enforced. Not only would it add an immense and highly fertile territory to

²⁷ "La conservacion de la Luisiana depende por aora de la oposicion de las naciones Indias a las usurpaciones continuas, y miras ambiciosas de los Americanos." Carondelet to Gayoso, March 18, 1795. Mississippi provincial archives, Spanish dominion, 5: 667, 668.

²⁸ To Floridablanca, May 22, 1792. *Ibid.*, 4: 276, 277.

²⁹ Instructions of Pedro Olivier. *Ibid.*, 4: 219.

³⁰ Carondelet to Floridablanca, April 4, 1792. *Ibid.*, 4: 212.

Georgia, but it would place the Creek nation, and in consequence the Cherokee, in dependence upon the United States; it would deprive the king's subjects of a lucrative commerce; and would destroy the most powerful and almost the only barrier of the provinces against the ambitious projects of the Americans.³¹ In view of these impending evils it was too late for conciliatory conduct. Carondelet professed to govern himself, however, by the royal order of July 31, 1787, which, as we have seen, directed that aid be given the Indians for the defense of their possessions; but he took pains to make inevitable the necessity of defending their possessions. He well knew that if he caused the Creeks to refuse to carry out the provisions of their treaty with the United States, that much exasperated power would undertake their punishment by warlike invasion of their territory. With this premise in mind,³² he set to work upon the Creeks to bring about the end he desired. Through Olivier, his agent, he enlarged upon the ruinous consequences which would result to the Indians if they carried out the treaty of 1790, and dwelt upon the beneficent protection they might expect from Spain in case they had to defend their rights by force of arms. Olivier was instructed to offer McGillivray a pension equal to the one he received from the United States, payable from the instant he broke the treaty, and to insist that there be no delay in bringing the matter to a head; that the moment be seized while the United States was occupied in a war with the northwestern tribes, thus placing the Americans between two fires, and preventing their effective work in either quarter. "I repeat, the determination to eject the Americans from the usurped territory cannot be deferred until the month of September," Carondelet wrote to the agent on June 13, "without adventuring the success of all; within a month the Americans ought to depart, or they should be attacked with vigor."³³ In preparation for this contingency, he had a store of arms placed at Pensacola for distribution among the Creeks.

The prospect that this tribe could in the end hold its own against the forces of the United States was slight indeed, and

³¹ March 30, 1792. *Ibid.*, 4: 215.

³² See his letter to Floridablanca, May 22, 1792. *Ibid.*, 4: 276, 277.

³³ To Olivier. *Ibid.*, 4: 379.

Carondelet depended on no such outcome. Even though Spain did not take up arms for the Creeks, he had another resource. His plan for a confederation of all the southern tribes, under the protection of Spain, was already formed, and his faith in the potentialities of such an organization was great. But, even without the binding power of a confederation, he felt sure of being able to induce the Choctaw and Chickasaw to enter into any war the Creeks might wage with the Americans for the restoration of their lands.³⁴

In connection with these preparations, Carondelet made no point of secrecy. In writing of them to the Count de Florida-blanca, on April 4, 1792, he said: "If the United States complain of the help we give the nations, I shall reply . . . that H. M. could not fail to protect them when, as on this occasion, they are not the aggressors, a circumstance which legitimizes the aid we give them, which cannot therefore be regarded as an infraction of the peace that exists between the United States and Spain."³⁵

Just what reception such communications encountered at the court has not been learned, but may be inferred from the fact that, in the following November, we find Carondelet speaking words of another tenor in a "talk" which he sent to the Cherokee chiefs, urging them to suspend all hostility against the United States, until the king of Spain could mediate between them and that country.

There are other indications that the home policy of pacification and temporizing was making itself felt; but probably the most severe rebuke that came to Carondelet for the depredations he had set on foot was that administered by his subordinate, the governor of Natchez. Manuel Gayoso de Lemos had had more experience in Indian affairs than had Carondelet, and he was a man not afraid to speak his mind. He had not been officially concerned with the Georgia situation until, under Carondelet, it began to involve the Chickasaw and Choctaw who were within his supervisional jurisdiction. Like the governor-general, he was in favor of making the highest use possible of the Indians in restraining the American settlements; but he maintained the

³⁴ Carondelet to Floridablanca, April 4, 1792. Mississippi provincial archives, Spanish dominion, 4: 213.

³⁵ *Ibid.*

cautious attitude of the court, considering the dangers of openly using a weapon that might be turned against the Spanish themselves. "You may rest assured," he told Carondelet, in the summer of 1792, "that if they [the United States] do not formally complain to our court, they will do worse," and "will oppose us with the same means" you have used, "inciting the Indians everywhere to molest us."³⁶ When, a few months later, his forecast of the American situation had in his judgment been verified by the proceedings of the Chickasaw, who he felt certain were influenced by Governor Blount of Tennessee, he wrote again to the governor-general: "This very thing I always expected, after you made use of the Talapoosas to discommode the Americans in Cumberland;"³⁷ and he declared the Americans had a right to retaliate, and that in their place he would do the same. He feared that all these events might lead to war with the United States, and he warned Carondelet of the displeasure of the court in case the latter's measures had such termination.

In regard to the intentions and activities of the United States government, Gayoso had a saner view than Carondelet. The gathering of American troops and erection of forts in the west, which gave the governor-general nightmare visions of a conquered Mexico, Gayoso ascribed to the desire of the president and congress to control the northwestern Indians, and to keep in hand the unruly elements of the border. He insisted that the United States had never had an intention of attacking the provinces, before learning the outcome of the negotiations then in progress in Madrid.

Gayoso seems to have been almost alone among the provincial governors in advocating that Spain and the United States join hands in regulating Indian affairs. There would never be peace on the border, nor permanent security for either Americans or Spaniards, until the two governments adopted a system of co-operation in controlling the Indians, working through ministerial channels to reach an agreement on the subject. He desired very earnestly to go to Philadelphia; for he felt certain that with his intimate knowledge of the Indian situation he could bring about a working agreement with the United States,

³⁶ July 23. *Ibid.*, 4: 412, 413.

³⁷ April 18, 1793. *Ibid.*, 4: 425.

by which the efforts of each nation to manage the Indians would complement instead of frustrate those of the other. He saw no other way of obviating the dangers of the present policy, an end much to be desired while the energies of Spain were occupied in the European war, and while her hands were not free to take hold of new entanglements in America.³⁸

But coöperation instead of rivalry in Indian affairs would have been a ponderous innovation, and Gayoso probably had little hope that his suggestion would come to fruition; accordingly he yielded to circumstances and fell back upon the old policies, emphasizing his disapproval of Carondelet's open measures, and the necessity of keeping on good terms with the government of the United States. He urged the removal of all cause for suspicion on the part of the Americans that the Spaniards were inciting the Indians against them. He instructed the agent among the Choctaw and Chickasaw never to speak openly in a derogatory manner of the Americans, and he himself took pains to explain to the chiefs who came to see him the distinction between the well-meaning and friendly American government and the lawless frontiersmen whom it could not control. At the same time, he used his influence secretly and industriously to strengthen the opposition of the Indians to any fresh inroads of American settlement, upholding them in their determination to dispute with the invader the possession of every inch of ground, and assuring them of ample supplies of arms for this purpose.³⁹

In the spring and summer of 1793, Carondelet and Gayoso were working against great odds to bring about the confederation of the southern tribes. Carondelet had desired to extend the confederation to include the northwestern tribes then at war with the United States, and so to hem in the Americans with a human wall sensitive throughout its whole extent to a finger laid on any part of it; but to spread the Spanish influence among these remoter Indians was probably thought to be too great and too costly a task, and the project lapsed. It was difficult to get even the southern tribes all in the same mind at the same time. With the Creeks and Chickasaw engaged in war with each other,

³⁸ Gayoso to Carondelet, August 19, 1793. Mississippi provincial archives, Spanish dominion, 5: 67, 68.

³⁹ Gayoso to Carondelet, January 8, 1795. *Ibid.*, 5: 683.

with a great party among the Chickasaw and an uncertain element among the Creeks favoring the Americans, the two governors patiently manipulated the volatile materials until they finally brought them all together at Nogales, and in October, under the management of Gayoso, the four nations agreed to articles of confederation.⁴⁰ These articles provided for an offensive and defensive alliance among the Indians so close that all the tribes should regard themselves as one nation, under the protection of Spain; and in return for her protection they should stand guarantors for the integrity of her provinces of Louisiana and the Floridas. No one tribe might make war without the consent and coöperation of all, and no important subject might be determined by them without consultation with the governor-general or some other Spanish officer.

This treaty did not represent the idea nor fulfil the hopes of Carondelet. The draft which he had made on February 26 and placed in Gayoso's hands for his direction, had been modified almost beyond recognition. In this original draft we find a well-elaborated plan to involve the United States in a general Indian war, in such a way as to make that country appear to be the aggressor. Having provided for a consolidation of interests and unity of action on the part of the Indians, with the promise that they should be supplied by Spain with arms and ammunition, Carondelet proceeded to furnish them with an immediate field on which to test their newly-achieved unification.⁴¹ Article seven of the proposed treaty provided for a delegation consisting of a deputy from each of the four nations and chosen by the existing congress, which delegation should go to the United States and offer peace on behalf of the hostile tribes. The conditions of the peace they should offer were to be the following: the boundaries between the United States and the Cherokee nation as laid down in treaties before 1785 were to be carefully observed; the limits between the Creek nation and Georgia as they existed in 1784 were to remain unchanged until the matter was settled in Madrid, where the Indians had appealed for protection; while the territories of the Chickasaw

⁴⁰ October 28, 1793. *Ibid.*, 5: 211-221. The Cherokee, being engaged in war with the United States, could not be present, but by proxy they sought and obtained the assurance of protection by the Spanish government. *Ibid.*, 5: 214.

⁴¹ *Ibid.*, 4: 733, 734.

and Choctaw were to remain the same as they then were. The United States should offer peace to the hostile tribes and compel their citizens to observe these boundaries, agreeing that the nations should be free also to use force in driving out the white settlers who refused to leave their lands in a specified time. Carondelet knew it was out of the question to expect the acceptance of such conditions by the United States, since they would eliminate treaties between that country and the Indians, without the execution of which there could be no real peace. With this knowledge, he penned the eighth article of the draft in the following words: "In case the United States refuse these pacific propositions, the four Indian nations shall unite in favor of the Cherokees and Creeks, joining, if necessary, with the Indians of the north, in order to make war with common accord, until gaining these conditions so indispensable to their existence and tranquility."⁴²

The assembled Indians were never given an opportunity to pass upon these two remarkable articles, for they were suppressed by Gayoso.⁴³ There appeared in their stead in the final treaty only the provision that His Majesty should be implored to cause these matters to be adjusted between his ministers and the United States.⁴⁴

The governor-general, although less successful in bringing about a wide-spread Indian war against the United States than in nullifying the treaty of 1790, did not cease to advocate a vigorous campaign of Indian depredations on the American frontiers. In the fall of 1794, he was even asking Las Casas for permission to lead a detachment of soldiers to aid the Creeks in driving Elijah Clarke and his band back to the east of the Oconee river, and the captain-general responded favorably, thinking it might be done under the pretext that they were defending the Creeks against a band of lawless marauders, although as a matter of fact both officials believed these "marauders" to be operating under the sanction of the government of the United States.⁴⁵ This plan fell through mainly on account of the lack of the necessary troops.

⁴² Mississippi provincial archives, Spanish dominion, 4: 735.

⁴³ Gayoso to Carondelet, December 6, 1793. *Ibid.*, 5: 283.

⁴⁴ Article 7. *Ibid.*, 5: 215, 216.

⁴⁵ Las Casas wrote to Carondelet on October 17: "Es de presumirse que Elisha

In 1795 came the long desired, though to the Spaniards disappointing, territorial adjustment between Spain and the United States, by which the greater part of the four southern nations remained in the undisputed domain of the latter. The momentum of twelve years of struggle carried the Spanish policies over into the new system. Carondelet still kept his finger on the Indian pulse, and his word of admonition in the Indian ear, hoping that, if the United States became involved in the European war, the hated treaty might be abrogated, and that the Indians might range themselves on the side of Spain. With the fading of this hope, and the final withdrawal of the Spanish garrisons from the long-contested territories, interest in the Indians as an instrument of Spanish dominance ceased.

JANE M. BERRY

UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS

Clarke proceda secretamente de acuerdo con el Gobierno de los Estados Unidos para por ese medio y sin comprometerse estos, intentar cuando no otra cosa, su tan anhelada estencion de limites." *Ibid.*, 5: 460.